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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,806	09/16/2008	Mark S. Thompson	60469-143 PUS1; PA-000.05	2618
7590 04/10/2012 David J. Gaskey CARLSON, GASKEY & OLDS 400 W. Maple Road Suite 350 Birmingham, MI 48009			EXAMINER MCDONALD, SHANTESE L	
			ART UNIT 3723	PAPER NUMBER
			MAIL DATE 04/10/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,806	Applicant(s) THOMPSON ET AL.	
	Examiner SHANTESE MCDONALD	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 13 February 2012.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☐ Claim(s) 1-24 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☐ Claim(s) 1-6,8,10 and 12-22 is/are rejected.
- 8) ☐ Claim(s) 7,10 and 11 is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/16/12</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,4,6,9,12,13,17,19,21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by De Angelis et al.

De Angelis et al. teaches a method of making a load bearing member for use in an elevator system comprising mechanically roughening at least one surface of a polymer jacket, 7, that generally surrounds a plurality of tension members, 3, the mechanically roughening includes at least one of abrading the one surface, rubbing grinding or embossing the one surface, extruding the polymer onto the tension member. De Angelis et al. also teaches establishing a non-glossy texture on the one surface, (it is inherent that if the surface has been abraded, then it will be non glossy) and the one surface having a texture that generally corresponds to a surface on a sheave of the elevator system, (col. 3, lines 43-60 and col. 4, lines 46-48).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,4,8,15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Angelis et al. in view of Pitts et al.

De Angelis et al teaches all the limitations of the claims except for chemically roughening including at least one of applying chemical to one surface or chemically etching the one surface, establishing a plurality of impressions on the one surface having a depth of at least approximately 5 microns or 2 microns. Pitts et al. teaches chemically etching one surface of the polymer jacket, (col. 3, lines 45-47). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tool of De Angelis et al with chemical etching, as taught by Pitts et al, as an alternate roughening method. It would have been further obvious to provide the tool with the plurality of impressions on the one surface having a depth of at least approximately 5 microns or 2 microns, as a matter of obvious design choice.

Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Angelis et al in view of Ach.

De Angelis et al teaches all the limitations of the claims except for embossing the one surface. Arch teaches the method of embossing. It would have been obvious to

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one having ordinary skill in the art at the time the invention was made to provide the method of De Angelis et al with the method of embossing the one surface, as taught by Ach, as an alternate roughening method.

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Angelis et al. in view of Baranda.

De Angelis et al. teaches all the limitations of the claims except for the jacket having a generally rectangular cross section including a width and a thickness, and wherein the one surface includes a plurality of grooves extending across a width of the jacket. Baranda teaches the jacket having a generally rectangular cross section including a width and a thickness, (col. 6, lines 36-46), and wherein the one surface includes a plurality of grooves extending across a width of the jacket, (col. 5, lines 57-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tool of De Angelis with the above listed limitations, as taught by Baranda, to enhance the tools tensioning capabilities.

Allowable Subject Matter

Claims 7,10,11,23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-6,8,9 and 12-22 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANTESE MCDONALD whose telephone number is (571)272-4486. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S.L.M.

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April 8, 2012

/JOSEPH J HAIL/

Supervisory Patent Examiner, Art Unit 3723